

invention in response to the Examiners' invitation to amend the previous response, which introduced specific sequences that are now objected to.

In a September 12 Office Action, the Examiner has declared applicants' June 28, 2000 amendment and response "non responsive" under MPEP 821.03 and has invited applicants "to supply the omission or correction in order to avoid abandonment." Applicants thank the Examiner for discussing proposed claims and for receiving proposed claims that were sent to the Examiner by facsimile on October 11, 2000.

The Examiner has argued that new claims 28, 36, 37, 38 and 41 "are drawn to a plurality of disclosed patentably distinct inventions" because those claims recite "materially different amino acid sequences." In response, applicants delete claim 41 and replace the specific amino acid sequence recitations of claims 28, 36, 37, 38 and 41 with language that specifies structure. The qualitatively new language in the amended claims is supported by the specification throughout, particularly on pages 7 through 11. For example, the specification teaches a method for how to determine an acceptable substitution on the last seven lines of page 9, and includes "predictive O-glycosylation parameters" as depicted in Figures 2 and 3, and provides representative and preferred substitutions obtained according to those parameters.

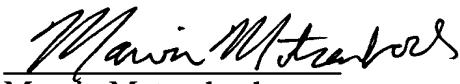
To clarify the functional characteristics of the claimed glycopolyptide and help distinguish the claimed invention in response to the Examiner's rejection of claim recitation to specific sequences, new claims 44 to 47 have been added. The term "54% homologous" and the term "75% homologous" are supported by the specification, for example, in the first full paragraph on page 14 and the first line on page 9. The recitation of "can bind human spermatozoa at a glycopolyptide concentration below 1 µg/ml and induce an acrosome reaction within one hour upon binding" also moves the claim recitation away from the unacceptable recitation of sequence information and is supported, for example, in the first full paragraphs of pages 12 and 13.

Accordingly no new matter has been added to the claims.

Reconsideration and allowance of the new and amended claims are respectfully requested. If any issues remain, the Examiner is earnestly requested to call the undersigned at 202-295-4723.

Respectfully submitted,

11/13/00  
Date

  
Marvin Motsenbocker  
Registration No. 36,614

FOLEY & LARDNER  
Suite 500  
3000 K Street, N.W.  
Washington, DC 20007-5109  
Telephone: (202) 672-5300  
Facsimile: (202) 672-5399

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.